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3 **UNITED STATES DISTRICT COURT**
4 **DISTRICT OF NEVADA**

5 * * *

6 Craig Otis Gibson, Jr.,

7 Plaintiff,

8 v.

9 Sheriff Kevin McMahon, Corrections Officer
10 William Famini, et al.,

11 Defendants.

Case No. 2:23-cv-00851-CDS-DJA

Order

12 Before the Court is Plaintiff's motion to compel (ECF No. 51) and Defendants' motions to
13 strike (ECF Nos. 59, 60, 61, and 62). The Court addresses these motions in turn.

14 **I. Plaintiff's motion to compel.**

15 Having reviewed both Plaintiff's motion and Defendants' response, it is clear that the
16 parties did not engage in a meet and confer before Plaintiff filed his motion as required by Federal
17 Rule of Civil Procedure 37(a)(1) and Local Rule 26-6(c). The Court thus denies Plaintiff's
18 motion to compel without prejudice. The parties must meet and confer and attempt to resolve
19 their dispute without Court involvement before Plaintiff files any future motion to compel.

20 **II. Defendants' motions to strike.**

21 Defendants move to strike certain documents that Plaintiff filed in conjunction with his
22 motion to compel because they are not properly filed. (ECF Nos. 59, 60, 61, 62). However, the
23 Court has liberally construed these documents as exhibits to Plaintiff's motion to compel and has
24 made that construction clear on the docket (ECF Nos. 50, 52, 54), with the erroneous exception of
25 one (ECF No. 53). To be clear, the Court construes Plaintiff's filing at ECF No. 53 to be an
26 exhibit to his motion to compel, and will direct the Clerk's Office to rename it on the docket as
27 such through this order. Because the Court construes these documents as exhibits, it does not find
28 that they are improperly filed, and denies Defendants' motions to strike as moot. The Court also

1 informs Plaintiff that if he attempts to file exhibits in the future, he must attach those exhibits to
2 the document he is filing. *See* LR IA 10-3(f). He may not separately file the exhibits unless they
3 exceed 100 pages. *Id.* If his exhibits exceed 100 pages, he may file them separately, but Plaintiff
4 must clearly title the document so that it is obvious that the document is an exhibit.

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6 **IT IS THEREFORE ORDERED** that Plaintiff's motion to compel (ECF No. 51) is
7 **denied without prejudice.**

8 **IT IS FURTHER ORDERED** that Defendants' motions to strike (ECF Nos. 59, 60, 61,
9 62) are **denied as moot.**

10 **IT IS FURTHER ORDERED** that the Clerk's Office is kindly directed to modify the
11 docket entry for ECF No. 53 so that it reflects that the document is an Exhibit to ECF No. 51.

12 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send a copy of
13 this order to Plaintiff.

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15 DATED: January 29, 2025

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DANIEL J. ALBREGTS
19 UNITED STATES MAGISTRATE JUDGE
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